

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Norman L. MEADOWS

Docket Number: 2:94CR00371-02

Offender Address: Long Beach, California

Judicial Officer: Honorable William B. Shubb
United States District Judge
Sacramento, California

Original Sentence Date: 09/04/1996

Original Offense: 21 USC 846, 841 (a)(1) - Conspiracy to Manufacture,
Distribute, and Possess with the Intent to Distribute
Cocaine Base
(CLASS B FELONY)

Original Sentence: 120 months custody Bureau of Prisons; 60 months
supervised release; \$50 special assessment

Special Conditions: Warrantless search; Drug/Alcohol treatment

Type of Supervision: Supervised Release

Supervision Commenced: 06/30/2003

Assistant U.S. Attorney: Richard J. Bender **Telephone:** (916) 554-2700

Defense Attorney: Robert M. Holley **Telephone:** (916) 447-8262

Other Court Action:

09/16/2004: After the defendant tested positive for cocaine
(08/31/2004), the supervising probation officer
recommended that no action be taken at that time and
the Court approved the probation officer's plan.

RE: Norman L. MEADOWS
Docket Number: 2:94CR00371-02
PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER

02/08/2005:

After the defendant tested positive for cocaine (12/28/2004 and 01/29/2005), the supervising probation officer placed the defendant back into their drug aftercare program and directed him to attend 90 NA meetings within 90 days. No formal action was recommended and the Court approved the probation officer's plan.

PETITIONING THE COURT

To modify the conditions of supervision as follows:

Norman L. Meadows, as a condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed four tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Justification: Mr. Meadows is being supervised by the United States Probation Office in the Central District of California. In light of the Ninth Circuit Court of Appeals' finding in *United States v. Stephens* (9th Cir. 2005), the supervising probation officer is requesting the above-mentioned modification. Their interpretation of the *Stephens* case limits the probation officer to only three random drug tests outside of treatment, unless the Court sets the maximum number of tests. The three random drug tests provided by the conditions of supervision have been exhausted and Mr. Meadows' history warrants continued monitoring. Therefore, it is recommended that the Court set the maximum number of tests for the continued treatment at four tests per month. This schedule would allow the probation officer to continue monitoring for illicit drug and/or alcohol abuse; provide intervention if needed; and reduce risk to the community. The defendant has agreed to this modification and a signed waiver is on file.

RE: Norman L. MEADOWS
Docket Number: 2:94CR00371-02
PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER

Respectfully submitted,

/s/ Kris M. Miura

KRIS M. MIURA
United States Probation Officer
Telephone: (916) 930-4305

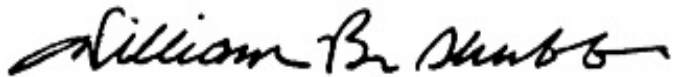
DATED: February 27, 2006
Sacramento, California
KMM:jz

REVIEWED BY: /s/ Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

THE COURT ORDERS:

(X) Modification approved as recommended.

Date: February 28, 2006



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

RE: Norman L. MEADOWS
Docket Number: 2:94CR00371-02
PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER

cc: United States Probation
Richard Bender, Assistant United States Attorney
Robert Holley, Defense Counsel
Defendant
Court File

Attachment: Presentence Report (Sacramento only)